

IN THE SUPREME COURT OF THE UNITED STATES

Chad Michael Vice,
Petitioner,

U.S. Sup. Ct. No.

8th Cir. U.S. App. Ct. No.
22-2288

Iowa Sup. Ct.,
Iowa Dist. Ct.,
Respondents.

Motion For Extension
of Time

Comes now, the Undersigned, in propria persona, in Motion For Extension of Time, pursuant to U.S. S. Ct. Rule 30(3), to file a petition for a writ of Certiorari, and in Support of States:

1. That, the Undersigned, is an Incarcerated Individual under restraint and Supervision of the Iowa Dept of Corr.^s (I.D.C.) residing at: Iowa State Penitentiary; P.O. Box 316; Fort Madison, Iowa 52627; of whom, is subject to factors and circumstances outside his control.

2. That, the Undersigned, has numerous litigation, of which demands some degree of his attention; such as, S. Ct. No. 21-8155; S. Ct. No. 21AG70; Dist. Ct. No. 1:22-CV-00020; Iowa Dist. Ct. JFC008624/19-1068/PLA006895;

Iowa Admin. P.C.R. Pccv007156 / s. ct. No. 22-1053
Just to name a few.

3. That, the undersigned, has been under the impression since Dec. of 2019, that Counselman-Curtis Dial, ATP290011; (319) 753-5163; cdial@spd.state.ia.us; was to represent him on a majority of the litigation. He has failed to make an appearance, as he took a job at the Public Defenders office since such time, leaving the undersigned in over his "head" with [4-3] suites & appeals with no advance warning and his "pro-se" limitations.

4. That, the writ of Certiorari, the undersigned seeks an extension of time for is in regards to the 8th Cir. App. Ct. No. 22-2288, under U.S. Sup. Ct. Rule 13(3), Order denying Petition for rehearing, Sept. 9th, 2022.

5. That this appeal stems from two separate issues; of which are:

a. Iowa Dist. Ct. Probate No. ESPRO12302 / Iowa Sup. Ct. No. 21-1835; and,

b. Iowa Dist. Ct. No.¹⁰ FECK000525 and FECK006925 / Iowa Sup. Ct. No. 21-1645

6. A letter of intent was written to the U.S. Dist. Ct. for Iowa S.D.; of which

included both subject-matters; of which are:

a. That, the Undersigned, was denied access to the Courts when under Probate No. ESPR 12302/S. Ct. No. 21-1835, he received a Judgment Entry stemming from Sept. 1st, 2021, on Sept. 8th, 2021, and with due diligence drafted a Motion for reconsideration and handed said Motion over to prison authorities on Sept. 11th, 2021, for mailing. Sept. 15th, 2021, was the dead-line for filing such a Motion. However, said Motion did not get filed until Sept. 22nd, 2021. All subsequent Motions, Appeals and Writ of Certioraris were deemed untimely; as herein to:

i. That pursuant to Iowa Code §16(3.3(1) Subsection 2(15)12, the grounds for equitable tolling are met [t]herein & Iowa R. of Civ. Pr. §1.442(5); by which correlates with the decision(s) of *Houston vs. Lack*, U.S. 266, 273-76, 108 S. Ct. 2379 (1988); *Vaughan vs. Ricketts*, 950 F. 2d 1464, 1466 (9th Cir. 1991); *Smith vs. Evans*, 853 F. 2d 155, 161-162 (3d Cir. 1998); whereby, the Undersigned contests the filing date to be Sept. 11th, 2021, and thus timely in accord with Iowa Code & the "Houston Rationale".

b. That, the Undersigned, was denied access to the Courts with due process & equal protection of the law when under Iowa Dist. Ct. No.'s FECR000525 and FECR006995/S. Ct. No. 21-1645, he was denied hearing(s) in accord with the Change in Iowa law. This Change allowed for hearings in regards to Class B Restitution, both currently and retroactively; as herein & to:

i. That Pursuant to Iowa Code § 910.2B4 - Challenges in Conversions of existing restitution orders... filed no later than one year from the effective date of this act; via § 910.7 - no later than June 25th, 2021. State vs. Williams, 949 N.W. 2d 652 (Iowa 2020) see: Iowa Sup. Ct. Supervisory Order, In the Matter of interim procedures governing - Ability to Pay Determinations and Conversions of Restitution Orders (July 7th, 2020) (setting out additional relevant rules and deadlines); the Undersigned, was timely and within the rules & guidelines set-out [t]herein. Like Sandin vs. Conner, 515 U.S. 472 (1995), the State created a liberty interest evoking due process protections; as herein & to:

ii. That the Undersigned, Followed the same process in procedural form with the following cases: AGIN0015440, DWIN001303, SMSM000066, SMSM0000638, SMSM0000661, SMSM001106, SMSM001107, SMSM001121, SMSM001876, SMSM005603, SMSM008657, SMSM009750, SRIN001338, FEER008249; and subsequently had hearings by which existing Restitution Orders were thus waived in accordance with Iowa law.

7. At no time in this letter did the Undersigned ask for consolidation of these two very distinct separate issues of law. Within this letter the Undersigned did mention filing a writ of Certiorari, and asking for assistance of Counsel and extension of time. This letter was written to preserve the Undersigned's filing deadlines and to declare his intent for each action. The Undersigned would have declared under Declaratory Judgment(s) his intent for each and whether any further relief could be sought in the U.S. Dist. Ct. for Iowa S.D.; had he been able to amend proceedings, as he had motioned for. He would of also asked for a Remand back to the Iowa Sup. Court if no

Further relief could be had in said Federal Court, and petition for rehearing in the Iowa Sup. Court. If rehearing was denied, he would of petitioned for a writ of Certiorasis to this U.S. Supreme Court for the issues involved in those/these two separate issues of law.

8. That, the U.S. Dist. Ct. for Iowa S.D. originally assigned the letter as a writ of Habeas Corpus 28 U.S.C. § 2254, Case No. 4:22-CV-00054. The Court later dismissed this Case claiming § 2254 was not the right mode to conferred jurisdiction. The Undersigned, contested this act of the Court.

9. That the U.S. Dist. Ct. for Iowa S.D. answered the Undersigned's contentions in re-assigning these two separate issues of law as 42 U.S.C. § 1983, Case No. 4-22-cv-00108, and dismissed them as such; whereby, the Court grossly misconstrued the intent therein, in claiming of being a Judge... The Undersigned in his Iowa Sup Ct. No. 21-1835 & 21-1645, Contested error of law under Iowa R. of App. Pr. § 6.107(1)d. - dictates to Name (Dist. Ct. not Judge as Defendant; wherein, intent is self-evidenced

that the undersigned never intended to sue a judge.

10. That the undersigned asserts his intent was neither of these modes, § 2254 nor § 1983 as the vehicles conferred jurisdiction; but that this U.S. Dist. Ct. for Iowa S.D. convoluted these proceedings by consolidating two separate issues of law and confer jurisdiction by a mode of its choosing, and ultimately dismiss these actions on account of the mode the Court chose, in sharp contrast to previous state proceedings and his intent therein.

11. that the undersigned further declares he has had only 45 minutes of law library time in 60 plus days, and that this lack of law library time seriously hinders his ability to litigate these convoluted proceedings in a clear, concise and timely manner, coupled with his "pro-se" limitations.

Wherefore, the undersigned requests of this Court in accordance with U.S. Sup. Ct. Rules 21, 22 & 30(3), Consider the foregoing facts and embody these facts in its ruling and decision and grant extension of time herein.

"I, the undersigned, declare under the penalty of perjury under 28 U.S.C. § 1746, that the information contained herein to be true and correct to the best of my knowledge and belief."

Respectfully Submitted,



Chad Michael Vice #1065118
Iowa State Penitentiary
P.O. Box 316
Ft. Madison, IA 52627

Sept. 14th, 2022

Date

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2288

Chad M. Vice

Plaintiff - Appellant

v.

North Lee County District Court; Iowa Supreme Court

Defendants - Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:22-cv-00108-RGE)

JUDGMENT

Before LOKEN, GRUENDER, and ERICKSON, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the order of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion for leave to proceed in forma pauperis has been considered and is granted. The motion for appointment of counsel is denied as moot. The full \$505 appellate and docketing fees are assessed against the appellant. Appellant will be permitted to pay the fee by installment method contained in 28 U.S.C. sec. 1915(b)(2). The court remands the calculation of the installments and the collection of the fees to the district court.

August 10, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2288

Chad M. Vice

Appellant

v.

North Lee County District Court and Iowa Supreme Court

Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:22-cv-00108-RGE)

ORDER

The petition for rehearing by the panel is denied.

September 09, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans